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APR 22 2008

OFFICE OF PETITIONS

In re Application of
John Gregory Schroeder, et al.
Application No. 09/862,830
Filed: May 22, 2001
Attorney Docket No. AA471

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ON PETITION


This is a decision in response to the petition under 37 CFR 1.137(b), filed January 17, 2008, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned as a result of petitioner's failure to file an appeal brief (and fee required by 37 CFR 41.20(b)(2)) within the time period provided in 37 CFR 41.37(a)(1). As an appeal brief (and appeal brief fee) was not filed within two (2) months of the Notice of Appeal filed June 5, 2006, and no extensions of time under the provisions of 37 CFR 1.136(a) were obtained, the appeal was dismissed and the proceedings as to the rejected claims were terminated. See 37 CFR 1.197(b). As no claim was allowed, the application became abandoned on August 6, 2006. See MPEP 1215.04. On January 17, 2007, a Notice of Abandonment was mailed. On January 17, 2008, the present petition was filed.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE), including the fee of \$810 and the submission required by 37 CFR 1.114; (2) the petition fee of \$1,540; and (3) an adequate statement of unintentional delay.

This application is being referred to Technology Center AU 1751 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.


Sherry D. Brinkley
Petitions Examiner
Office of Petitions